

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL FOSTER,

Plaintiff,

v.

Case No. 23-11534

Hon. Jonathan J.C. Grey

Mag. Judge Elizabeth A. Stafford

JODI DEANGELO et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF  
No. 25)**

On June 27, 2023, Plaintiff Michael H. Hensley, Jr. filed this pro se civil action against Defendants Jodi Deangelo, Michael Higginsbotham, and Tim Clifton (collectively, “Defendants”) alleging violations of Foster’s Fifth, Eighth, and Fourteenth Amendment rights. (ECF No. 1.) On September 3, 2024, all pre-trial matters in this case were referred to United States Magistrate Judge Elizabeth A. Stafford. (ECF No. 18.) On October 23, 2024, Defendants filed a motion to dismiss for failure to prosecute. (ECF No. 22.)

This matter comes before the Court on Magistrate Judge Elizabeth A. Stafford’s Report and Recommendation dated December 18, 2024.

(ECF No. 25.) In the Report and Recommendation, Judge Stafford recommends that the Court grant Defendants' motion to dismiss the case because Foster has not properly updated his address and his mail is being returned as undeliverable. No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated December 18, 2024 (ECF No. 25) is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Defendants' motion to dismiss (ECF No. 22) is **GRANTED**.

**IT IS FURTHER ORDERED** that this cause of action is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: January 22, 2025

**s/Jonathan J.C. Grey**  
Jonathan J.C. Grey  
United States District Judge

**Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 22, 2025.

**s/ S. Osorio**  
Sandra Osorio  
Case Manager